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could

19 central processing unit executing software to assist the broadcast receiver in
20 loading programming data associated with a selected one of the first and the
21 second shows into one of the plurality of memory elements along with
22 information[, and] to [simultaneously] concurrently display said selected first and
23 second shows, on the display monitor.

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1 38. (Amended) The entertainment system of claim 16, wherein the broadcast
2 receiver directs the first show to the display monitor to be viewed and
3 [substantially simultaneously] concurrently to a recording device to be recorded.

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1 39. (Amended) The entertainment system of claim 16, wherein the broadcast
2 receiver directs the first show to the display monitor to be viewed and
3 [substantially simultaneously] concurrently to a recording device to be recorded.

REMARKS

The Examiner is thanked for the clarity and conciseness of the Office Action and for the citation of the references, which have been studied with interest and care.

Applicant respectfully request that this Amendment After Final Action be admitted under 37 C.F.R. 1.116.

Applicant submits that this Amendment presents claims in better form for consideration on appeal. Furthermore, applicants believe that consideration of this Amendment could lead to favorable action that would remove one or more issues on appeal.

Claims 38-39 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention. Claims 1-3, 6, 10, 16-17, 24-27, 34, and 35 stand rejected under 35 U.S.C. 102(e) as being allegedly anticipated by U.S. Patent No. 5,900,916, issued to Pauley. Claims 4, 5, 12, 13, 18, 19, 20, and 28-30 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Pauley in view of U.S. Patent No. 5,808,694, issued to Usui et al. (hereinafter "Usui"). Finally, claims 7-9, 11, 14, 15, 21-23, 31-33, 36, 37, and 38-40 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Pauley.

Applicant has amended claims 1, 6, 16, 26, and 38-39 to more distinctly claim that which Applicant regards as the invention. No new matter has been added. Accordingly, claims 1-40 are pending in the present application.

Applicant respectfully requests entry of the amendment and reconsideration of the present application in light of the amendments and remarks herein.

Rejection Under 35 U.S.C. 112 Second Paragraph

Claims 38-39 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner has stated that:

"Claims 38-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "substantially simultaneously" is vague and does not clearly set forth the metes and bounds of the claimed invention"

Amended Claim 38 recites:

"The entertainment system of Claim 16, wherein the broadcast receiver directs the first show to the display monitor to be viewed and concurrently to a recording device to be recorded."

Amended Claim 39 recites:

“The entertainment system of Claim 16, wherein the broadcast receiver directs the second show to the display monitor to be viewed and concurrently to a recording device to be recorded.”

Applicants submit that claims 38 and 39, as amended, are not vague and clearly set forth the metes and bounds of the claimed invention. Applicants respectfully submit that claims 38 and 39 are now patentable.

Rejection Under 35 U.S.C. 102(e)

Claims 1-3, 6, 10, 16-17, 24-27, 34, and 35 stand rejected under 35 U.S.C. 102(e) as being allegedly anticipated by U.S. Patent No. 5,900,916, issued to Pauley.

Amended independent claims 1 and 6 recite, in combination with other acts, (1) “providing an identification of at least one first channel source comprising the first channel;” and “selecting a first user-specified source from the at least one first channel source”.

Amended independent claims 16 and 26 recite, in combination with other elements, “a first front-end unit capable of receiving programming data to be viewed on a display monitor, the programming data is associated with a first show broadcast via a first channel from a user-specified source selected from among at least one first channel sources provided that comprise the first channel,”.

The present invention allows the user to specify a source for a selected channel from among the one or more sources that provide that particular channel. If a channel is provided by more than one source than the user may view the Channel/Source Selection Menu and specify a source for a selected channel from among the several sources listed which provide that channel. (Specification; pg 17, lines 19-25; pg 18, lines 1-10; Fig. 4).

In contrast Pauley discloses a multiple image display system having a feature which allows a user to select a channel from among the plurality of channels provided by a given source. (Pauley; col. 5, lines 55-61; Fig. 1). Careful reading of this citation shows that Pauley teaches a system whereby a user chooses a source and then chooses a channel from that source.

The distinction is made clear in the prior art admitted by the Applicant and cited by the Examiner:

As a result, the consumer may select to view DSS channels and local/terrestrial/cable-based channels through the use of a single DSS system by selecting the appropriate input on the television ... The user ... *first select the source and then select from among the channels available from that particular source.*"

Here it is clear that what this prior art cite and Pauley are depicting is the user specifying a source from a menu of sources and then selecting a channel from those channels provided by the selected source. The present invention provides a cross-referencing of sources and channels so that a user may first select a channel and then choose the source to provide that channel.

(Specification; Fig. 4).

Pauley fails to disclose a system whereby a user may choose a channel and then choose a source from among the plurality of sources which provide that channel, as disclosed in the amended independent claims 1, 6, 16, and 26 of the present application.

Accordingly, Applicant respectfully submits that amended independent claims 1, 6, 16, and 26 and dependent claims 2-3, 7-11, 14-15, 17, 21-25, 27, and 31-40 are patentable over Pauley.

Rejection Under 35 U.S.C. 103

I. Rejection Based on Pauley and Usui

Claims 4, 5, 12, 13, 18, 19, 20, and 28-30 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Pauley in view of U.S. Patent No. 5,808,694, issued to Usui.

As stated above, Pauley fails to disclose a system whereby a user may choose a channel and then choose a source from among the plurality of sources which provide that channel.

Usui generally discloses an electronic program guide (EPG) system in which a plurality of program guides from a plurality of sources can be stored in memory and displayed. Usui discloses a CPU which executes a program stored in memory to produce a screen menu and to generate EPG data according to selections that the user makes on the screen menu. However, similar to Pauley, Usui fails to disclose a system whereby a user may choose a channel and then

choose a source from among the plurality of sources which provide that channel, as disclosed in the amended independent claims 1, 6, 16, and 26 of the present application.

Accordingly, Applicant respectfully submits that amended independent claims 1, 6, 16, and 26, and dependent claims 4-5, 12-13, 18-20, and 28-30 are patentable over Pauley and Usui.

CONCLUSION

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully requested.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact Maria McCormack Sobrino at (408) 720-8300.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

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Maria McCormack Sobrino
Maria McCormack Sobrino
Reg. No. 31,639

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8598